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OFFICE OF PETITIONS

In re Application of
Dachuan Yang et al
Application No. 09/965,765
Filed: September 28, 2001
Attorney Docket No. S63.2-10002

:
: DECISION GRANTING
: PETITION
:
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This is a decision on the paper styled "PETITION UNDER CFR 1.52 TO REQUEST FOR CORRECTION OF FILING RECEIPT" filed March 11, 2002, which is properly treated as a petition under 37 CFR 1.10(d), requesting that the above-identified application be accorded a filing date of September 28, 2001, rather than the presently accorded filing date of October 1, 2001.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 28, 2001. The petition is accompanied by, inter alia, a copy of the USPS Track/Confirm system information showing that the package bearing Express Mail label No. EL684695323US was accepted on September 28, 2001. The same Express Mail receipt number was referred to in the copy of the original transmittal letter found in the present application.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on September 28, 2001.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing date to September 28, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
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for Patent Examination Policy